IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.574 OF 2000

Javed Akhtar Siddique .. Appellant

versus

Elyas Azmi and others .. Respondents

...

Mr. R.A. Thorat for appellant

None present for respondents

CORAM : D.G. KARNIK, J

DATED :3rd October 2006

P.C.:

1. Heard Mr Thorat for the appellant. None present for the respondents.

2. This appeal is directed against the order dated 21/6/2000 passed by the Pincipal Judge, City Civil Court, Mumbai in Notice of Motion No.1266 of 2000 in

S.C. Suit No.1576 of 2000.

3. The appellants who are the plaintiffs filed a suit in the City Civil Court for an injunction restraining the defendants from dis-possessing them from the suit premises namely 4 galas situated at survey no.53 (part), C.T.S. No.465 (part) of village Mohili, Taluka- Kurla, District-Mumbai. By the impugned order dated 21/6/2000 the City Civil Court appointed Deputy Registrar of that Court as the Court Commissioner and directed him to make inventry and thereafter to lock the door of the 4th gala and affix his seal. He was directed thereafter to deposit the keys with the Registrar of the Court for safe custody till further orders.

4. Learned counsel for the appellant states that though the appeal was admitted order dated 21/6/2000 passed by the trial court was not stayed by this Court. He further states that in pursuance of the said order the Deputy Registrar of the City Civil Court acting as the Court Commissioner, visited the gala and has sealed it. Thus the gala is in sealed condition for more than six years. In the circumstances, he submits, it would not be appropriate at this stage to disturb the status

quo which is in existence for a period of more than six years. The submission is accepted. It would be however appropriate to direct expeditious hearing of the suit. Accordingly the impugned order is maintained without going into the merits of the said order. The City Civil Court is however directed to expedite the hearing of the suit and dispose of it as expeditiously as possible and in any event within a period of one year.

5. Appeal is disposed of in aforesaid terms.

(D.G. KARNIK, J)